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Moving from commitments to results: transforming public institutions to facilitate inclusive policy formulation and integration in the implementation and monitoring of the Sustainable Development Goals: ensuring prioritization and decision-making that is fair, responsive, inclusive, participatory and accountable at all levels

Diversity and non-discrimination in public administration: strategic enablers of sustainable development

Note by the Secretariat

The paper entitled "Diversity and non-discrimination in public administration: strategic enablers of sustainable development", prepared by Committee member Najat Zarrouk, is hereby transmitted in accordance with the provisional annotated agenda of the fifteenth session of the Committee of Experts on Public Administration (E/C.16/2016/1). The content of and the views expressed in the paper are those of the author and do not imply any expression of opinion on the part of the United Nations.

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Diversity and non-discrimination in public administration: strategic enablers of sustainable development

Summary

Diversity is a long-standing preoccupation and fundamental concern of all societies irrespective of their level of development or mode of political organization. In practice, the promotion of diversity comprises the ensemble of initiatives put in place to consider, understand and manage differences among individuals and groups, and includes the efforts made to combat all forms of discrimination based on intrinsic or extrinsic characteristics. As a multifaceted issue within an increasingly complex world, respect for diversity presents significant practical challenges, such as accommodating the myriad prohibited grounds for discrimination, various cultural contexts and different ideas about what sort of efforts should be made to promote diversity both within the administration and in public policy implementation in general.

The author recalls that equality, non-discrimination and respect for diversity are fundamental elements of international human rights and notes that a significant number of instruments and structures have been put in place to advance such principles, including the 2030 Agenda for Sustainable Development. While recognizing that each country is different, the author draws attention to various models of diversity management that may serve as examples of good practice, in particular in places where public administration is relatively weak.

The author concludes with a call for an integrated, inclusive and progressive approach to diversity grounded in shared responsibility for the 2030 Agenda and universal participation in realizing common objectives. Efforts at the international level should be accompanied by the promotion of an enabling environment for diversity and bold public administration reforms at the national level that use strategic enablers of change to promote diversity and non-discrimination.

I. Introduction

1. Practically since the beginning of recorded history, the question of diversity has represented one of the major problems humanity has faced. In every age, humanity has needed to allow for the complex process of constructing an identity for societies and individuals, and has always tried to pursue these “encounters with difference”¹ and to manage the other, in order to live together. Now more than ever diversity has proven to be a defining issue in the lives of all societies, whatever their level of development or method of organization. As a global concern on the agenda since the establishment of the United Nations, it also represents a major challenge in the 2030 sustainable development agenda.

2. The concept of diversity is nonetheless a complex idea with multiple meanings and containing a protean reality; its definition is still far from unanimous, because it is often confused with other concepts, in particular non-discrimination.² From that starting point, the present paper hopes to answer the following questions: What do we mean by diversity and non-discrimination? What are the challenges and what is at stake for public administration? What are the grounds for concern? Can we rely on or be inspired by models or good practices? In a sea of competition, difference, complexity and constraints, how can public administration best utilize the differences that characterize this process and environment as a whole to be able to support the implementation of the sustainable development goals?

II. What do we mean by diversity and non-discrimination?

3. The concept of diversity responds to the need to adapt to the environment or the workplace, indicated by a set of characteristics involved in constructing the identity of each individual or social group. In practice, these are the initiatives taken to consider, pursue, manage and maximize³ the differences that are considered legitimate which characterize target groups or individuals,⁴ because they are linked with principles of ethics, equity, justice, equality and non-discrimination. Individual and collective dimensions can thus be detected therein, including both otherness, individual perceptions and ways of thinking that are intrinsic to each person, as well as the contextual basis of each society in relation to the other and the way of understanding intercultural differences and relationships.

4. Discrimination is defined as “unequal and unfavourable treatment applied to a person or groups of persons on the basis of illegitimate criteria, which can involve

¹ Karina Jean, “La gestion de la diversité: caractéristiques et implantation”, University of Sherbrooke, *Interactions*, vol. 4, No. 2, Fall 2000. Available at the following address: <https://www.usherbrooke.ca>.

² Aurore Haas and Sakura Shimada, “(Re)définir la diversité: de la représentativité à la gestion de l’altérité”, and Maria Giuseppina Bruna and Mathieu Chauvet, “La diversité, levier de performance..., sous condition de management”, *Cahiers de recherche* No. 1, under the direction of Stephanie Dameron and Jean-François Chanlat, Chaire Management et Diversité, University of Paris-Dauphine, available at the following address: www.fondation.dauphine.fr.

³ Sonia Ospina, “Managing Diversity in Civil Service: A Conceptual Framework for Public Organization”, United Nations Expert Group on Managing Diversity in the Civil Service, New York, May 2001.

⁴ Maria Giuseppina Bruna and Mathieu Chauvet, “La diversité, levier de performance...” see note above.

the inherent characteristics of a person. The discrimination can be perpetrated by natural or legal persons, agents of the State or public or private institutions⁵, in the form of a distinction, exclusion or restriction, direct or indirect, normative or behavioural, by action or by omission, positive or negative, de facto or de jure, on the basis of one of these characteristics, having the effect or purpose of preventing the recognition, enjoyment or exercise of human rights and fundamental freedoms in political, economic, social, cultural or environmental fields.⁶

5. Respect for diversity therefore goes hand in hand with combating all forms of discrimination, which is among its essential aspects, but is neither sufficient nor a guarantee of the value added of a diversified collective. To reduce diversity to combating discrimination alone would result in giving it a very restrictive meaning, whereas it is associated with democratic progress and has a broader, positive meaning, aiming at respect, valuing and integration of differences in the development process of a given country, as part of a social construct and convergence towards a common vision.⁷

6. Management of diversity was reinforced by another idea that was popularized within the international community at the end of the 1990s, following the Beijing World Conference on Women, which brings those ideas together in an attempt at transcendence: an integrated and differentiated approach to equality.⁸

7. Beyond the semantics and the meaning, we are faced with complex situations and a multitude of high-stakes challenges.

III. The inevitable challenges for public administration

8. For some years, public administration has dealt with a difficult and complex context along with societies in crisis, marked by several mutations, phenomena, flux and turbulence. On the one hand, there is the rapid rise of a globalized economy has changed the face of the world in a context of growing instability and an international climate of conflict. On the other, there is increased contact among societies, organizations, persons or groups with different cultures, increased mobility, interconnections and migratory movements, giving rise to heterogeneous intercultural relations.

⁵ Conseil national des droits de l'homme du Maroc and United Nations Entity for Gender Equality and Empowerment of Women (UN-Women), "Vers la mise en place de L'Autorité pour la parité et la lutte contre toutes les formes de discrimination, Étude comparative sur les expériences internationales dans le domaine de l'institutionnalisation de la lutte contre la discrimination" Rabat, November 2011, p. 8. Available at the following address: www.cndh.ma.

⁶ Annie Cornet and Philippe Warland, *La gestion de la diversité des ressources humaines dans les entreprises et organisations. Le guide pratique à destination des employeurs* (ed. Université de Liège, 2008), glossary pages 89-91; see definition given by the Convention on the Elimination of All Forms of Discrimination against Women, article 1.

⁷ M. Vatz et al., *Les défis de la diversité. Enjeux épistémologiques, méthodologiques et pratiques* (Paris, L'Harmattan, *Espaces interculturels*, 2013), p. 13.

⁸ Council of Europe, *L'approche intégrée de l'égalité entre les femmes et les hommes. Cadre conceptuel, méthodologie et présentation des bonnes pratiques* (Strasbourg, May 1998), pp. 7-8, available at the following address: www.coe.int; Annie Cornet, "L'approche différenciée selon les sexes et le mainstreaming: quels impacts pour la gestion des organisations?", *Revue Management International* (Montreal, HEC), November 2002.

9. The world thus resembles a village made up of a kaleidoscope of composite and pluralistic societies.⁹ States, organizations and institutions directed and influenced by persons coming from the four corners of the Earth, of difference ethnic, cultural, religious and political origins. The stakes have never been as high and the breadth and complexity of the challenges and constraints have never before been observed, in particular in an area as important as the public sector.

A. The existence of a range of characteristics for which all forms of discrimination are henceforth prohibited

10. The challenges of diversity are never-ending. To the extent that the international community records positive progress in the field of human rights and their universality, and in democracy, good governance and sustainable development and States and societies adopt these advances and make progress, consideration of diversity is becoming a matter of course, in view of the progressive expansion of the list of characteristics, observed worldwide, for which all forms of discrimination are henceforth prohibited.

11. Currently, the criteria for prohibited discrimination at various levels cover a whole range of characteristics, and the list is far from exhaustive. They can be inherent, genetic or acquired, physical, whether visible or functional, individually related to the life experience of the person, social or organizational:¹⁰ origin, civil status, family name, sex, gender, age, skin colour, height, weight, sexual preferences, identity or orientation, current or future health status, handicap, pregnancy, nationality, birth, national or social origin, economic status, fortune, language, family situation, traditions, education, communication style, work style, real or assumed membership or non-membership in a nation, ethnicity, race, political or other opinion, union or group activities, religious, spiritual or philosophical beliefs.¹¹

B. The challenge of context

12. Each nation, society or organization distinguishes itself by its history, view of its identity and its culture as a set of behaviours, values, beliefs and ways of thinking that we learn over the course of our development within a social group that determines how we see ourselves and how others see us. The cultural diversity currently prevailing has become global in scope,¹² in the same way as economic and social diversity and biodiversity. From a sociological and ethnographic point of view, we also agree to think that people, motivated by a sort of herd instinct, in general prefer to be with and associate with those similar to them, rather than those who are different, "by associating the familiar with comfort and the unfamiliar with

⁹ Paul Pascon, "La formation de la société marocaine", *Bulletin économique et social du Maroc*, 1971.

¹⁰ Annie Cornet and Philippe Warland, "La gestion de la diversité des ressources humaines" (see footnote, p. 6).

¹¹ See the website of the Office of the United Nations High Commissioner for Human Rights at the following address: www.ohchr.org.

¹² United Nations Educational, Scientific and Cultural Organization: *Investing in cultural diversity and intercultural dialogue*, *UNESCO World Report*, issued in 2010, available at the following address: unesdoc.unesco.org.

discomfort". We are also led to express daily our preferences, whether with regard to persons, groups of persons, products, services or places.¹³

13. On that basis, a multitude of papers, paradigms and approaches¹⁴ have been implemented according to the contexts, organizational strategies or arrangements, either to simplify and bring order to a given environment, or to keep individuals or groups with certain intrinsic or extrinsic characteristics at a distance.

14. Defining the concept of diversity assumes above all an in-depth understanding of the surrounding context, local sociocultural perceptions and realities, as any relationship to difference is a social construct of ethnic, cultural, religious or political identities which are only applied in a particular context relating to a given historical period or a specific sociocultural environment.

C. Diversity of levels of understanding

15. The public sector has undergone major changes that have come to modify the concept of diversity and even challenge the understanding of it. Diversity was traditionally considered to be grounded in the fundamental principles of equal access, continuity and neutrality. As societies have evolved, other principles have emerged, including proximity, trust, simplicity, reliability, transparency, quality, accessibility, and, particularly, openness, listening, inclusiveness, diversity and participation of users, leading to new challenges and constraints.

1. Different dimensions to be managed simultaneously

16. The public sector must address and incorporate, often concurrently, a variety of different dimensions:

- (a) Aspects relating to the individual and the collective sphere, or both;
- (b) Political, economic, social, demographic, human, cultural, managerial, financial, technological, historical and environmental aspects;
- (c) Commercial and non-commercial aspects;
- (d) Physical and virtual aspects;
- (e) Recognition of various other actors by the State: local authorities, businesses, citizens, civil society, users, clients, partners, stakeholders, minorities, foreigners and refugees;
- (f) Recognition of different levels of responsibility, administration and governance in the context of decentralization processes; recognition of the various statutes of local authorities and promotion of local autonomy;¹⁵

¹³ European Union Agency for Fundamental Rights, Council of Europe and European Court of Human Rights, "Handbook of European Law on Non-discrimination", Luxembourg, 2010, p. 23, available at the following address: <http://europa.eu>.

¹⁴ Emmanuelle Le Texier, Olivier Esteves and Denis Lacorne, "Les politiques de la diversité, expériences anglaise et américaine", *Presses de Sciences Po* (Paris), 2010.

¹⁵ See website of the Global Network of Cities, Local and Regional Governments at the following address: www.uclg.org.

(g) Lastly, the fact that public administration draws on various management methods and is responsible for ensuring the provision of public services, through delegation, outsourcing, regulation or simply privatization.

2. The growing diversity of the public sector environment

17. In its interaction with an environment that encompasses increasingly complex, heterogeneous, and multiactor societies, public administration must intensify its efforts to guarantee protection of the public interest, law enforcement, supervision, regulation and support vis-à-vis the other actors involved in the development process. It must invest in already scarce and limited resources in order to come to terms and connect with this reality, and address and anticipate needs. Government efforts in this area are nonetheless often inadequate. In addition to promoting exclusion and social inequalities, public policies are frequently developed, even imposed, unilaterally and uniformly, from the centre outward, without taking the time to know, understand or integrate this reality.

18. Public administration everywhere must contend not only with the emergence of multidimensional crises due to, *inter alia*, demographic changes, fast-paced urbanization,¹⁶ the problems of youth, unemployment and the ongoing discrimination faced by certain social groups, but also with an increase in requirements and exploding demands taking form as public demonstrations.

3. The growing diversity of the workforce in the labour market

19. Public administrations must also address the transformation and increase in mobility of individuals in their careers, the issue of unemployed graduates, the feminization of the labour market, the academic achievement of girls in higher education and their legitimate aspirations and potential for leadership, disability issues and the arrival of foreigners and refugees.

20. In addition, while Western countries must contend with ageing populations, a shortage of qualified workers and chronic unemployment, most developing countries, including in Africa and the Arab world, are grappling with growing youth populations and increasing numbers of unemployed youth and young graduates. The complexity and cost of analysing the labour market and developing effective public policies on employment pose further challenges.

4. Diversity of civil service officials

21. Reflecting broader social and demographic diversity, the civil service is characterized by its diverse human capital pool in terms of profile, experience, qualifications, gender, age, origins, place of residence, health status, culture and religious and spiritual beliefs. Diversity also exists at the organizational, structural and functional level. An indispensable requirement for governance and performance, the diversity of recruited, appointed and elected officials at the national, local and extraterritorial level is currently a pressing concern for public administration.

22. The public sector is therefore required to address a number of pressing issues related to the growing diversity of actors, persons, territories and interests in all

¹⁶ According to the World Bank, three out of five people will live in urban areas by 2050.

spheres.¹⁷ Given its reliance on traditional, rigid and conservative models of civil service management, to what extent is public administration aware of these issues, and to what extent do they affect its performance and outcomes?

D. Challenges and issues relating to diversity management

23. Conditions where these concerns are denied, misunderstood, ignored or improperly managed can prove to be fertile ground for the development of stereotypes, value judgements, exclusionary behaviour, misrepresentation, insularity, mutual categorizations, bias, and unequal and discriminatory treatment on the basis of the characteristics mentioned above.

24. Human history provides numerous examples of the negative impact of such choices, and the effects are often first experienced within the public administration. In the workplace, such conditions can contribute to a variety of challenges that affect the vision, organization, management, productivity, competitiveness and performance of the administration, damaging its image: "This is not a good place to work."

25. Moreover, with regard to the interface between public administration and its environment, these conditions can often lead to a situation of multiple overlapping disadvantages¹⁸ against certain categories of victims: loss of confidence in public institutions; negative perceptions of public service and the provision of public services;¹⁹ feelings of humiliation, alienation, inequality, injustice and exclusion; insecurity; existing or acquired forms of social vulnerability; poverty; barriers to employment; unemployment; disintegration of social and family ties; crime; cybercrime; public services that function poorly, are on the verge of collapse or are ruined or vandalized; confining certain social groups or minorities to housing in neighbourhoods separate from the rest of the population, which end up as ghettos that are accepted as a de facto form of segregation and exclusion; substandard housing; the development of the informal sector; the spread of diseases and pandemics, in addition to a variety of other radical and extreme tendencies, such as parochialism, extremism, religious fundamentalism, terrorism, etc., giving the impression of a world dominated by chaos, fear of the future and, in particular, fear of others.

26. On the other hand, respect for diversity, combined with an integrated approach and effective management, can become an aspirational goal,²⁰ a philosophy to live by, an institution and the hallmark of an organizational culture based on respect for differences in accordance with the values and democratic foundations of the society in question and a commitment to the affirmation of differences.

¹⁷ Gérard Timsit, "La gestion de la diversité dans les pays européens. Partie II: Stratégies", United Nations Expert Group Meeting on Managing Diversity in the Civil Service, New York, May 2001; Belgium, "Diversité et ressources humaines: bonnes pratiques en Belgique et à l'étranger", 2010, available at the following address: www.fedweb.belgium.be; and Annie Cornet and Philippe Warland, *GHR et gestion de la diversité* (Paris, ed. Dunod, 2008).

¹⁸ "Les États-Unis, modèle multiculturel?", interview with Denis Lacorne, *Revue de la Gendarmerie nationale*, 2nd quarter 2010, pp. 45-50; from the same author: *La crise de l'identité américaine, du melting-pot au multiculturalisme* (Gallimard, 2003).

¹⁹ Opinion of the Economic, Social and Environmental Council of Morocco. "Governance of public services" — Self-Referral No. 13 – 2013, available at the following address: www.cese.ma.

²⁰ See Preamble to the United States Constitution.

IV. A solid basis for diversity management

27. A variety of factors must be taken into account when addressing these issues, which must be considered jointly in order to ensure the success of any diversity management policy and to combat all forms of discrimination.

A. Equality, non-discrimination and respect for diversity, basic tenets of international human rights law

28. Equality, combating discrimination and respect for diversity are grounded in universally recognized human rights principles. A country cannot achieve democracy, the rule of law, democratic and participatory governance, development, social cohesion and peace without the *de jure* and *de facto* recognition, effective and active involvement and the dignity, inclusion and integration of all its constituents, capabilities and human capital in its processes of advancement, development and progress. Addressing these concerns is part of the daily work of the international community to which it attaches high priority, as evidenced by the wide range of international legal texts, structures, vast expertise, tools and good practices that have been established in this area.

29. Important work is being carried out by the various United Nations structures, such as the Office of the High Commissioner for Human Rights, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), and the United Nations High Commissioner for Refugees, which have undertaken significant efforts, while remaining largely within the sphere of competence and responsibility of States and their public institutions, in a number of areas that have become the main focus of the international community, including: equal participation in public and political affairs, social inclusion and integration, combating discrimination against indigenous peoples, the elderly, youth, employment and decent work, the status and rights of women, persons with disabilities, minorities, migrants, children, refugees, stateless persons, displaced persons, discrimination on the basis of race, religion, sexual orientation and gender identity, contemporary forms of slavery, health, education, the right to adequate housing, human trafficking, traditional values, the private sphere and cultural rights.

30. In view of the increasing number and complexity of the issues surrounding cultural diversity that have emerged at the beginning of the twenty-first century, it is essential to continue to tease out the necessary conditions for diversity to become an asset and not a threat, a source of renewal for public policies in service to development, social cohesion and peace.²¹

31. Given its scope and the variety of contexts that must be taken into account, the implementation of a universal normative framework represents a major challenge to States and has given rise to significant efforts to harmonize national legislation and develop regional instruments, and to a diversity of institutional practices aimed at combating discrimination and promoting diversity.

²¹ UNESCO World Report (see footnote p. 12), p. 260; UNESCO Universal Declaration on Cultural Diversity, adopted unanimously at its thirty-first session, and M. Vatz et al., *Les défis de la diversité* (see footnote p. 7).

B. A response to sustainable development concerns

32. First and foremost, as a tool of the State that acts as an interface with society and is tasked with serving populations, territories and national interests, public administration is required to provide public services that more effectively represent the population and reflect its multidimensional diversity.

33. In that connection, the 2030 Agenda for Sustainable Development represents a new vision and an ambitious agenda for the next 15 years in areas of crucial importance for humanity, as well as for social, economic and environmental development. As evidenced by the 17 sustainable development goals and 169 targets, concerns pertaining to diversity and the related principles of dignity, non-discrimination, equity, justice, tolerance, equal rights, treatment and opportunity, inclusion, integration and openness are the foundation and cornerstone of sustainable development (see General Assembly resolution 70/1, para. 8).

C. A response to public governance concerns

34. The crisis of confidence in public service around the world can largely be explained by governance gaps, understood as "a system of values, policies and institutions by which a society manages its economic, political and social affairs through interaction within and among the state, civil society and the private sector".²² Strong, effective, accountable and transparent institutions and good governance at all levels are recognized as a catalyst for sustainable development, so much so that the international community has prioritized them as an end in themselves (see A/RES/70/1, Goal 16). This is tantamount to establishing, for all actors and stakeholders of a given country a system for drafting open and informed policies, a professionally demanding administration acting transparently under the rule of law for the common good, and a strong civil society that participates in public affairs,²³ given that diversity must be understood at two levels: within and among these different actors and stakeholders.

35. Managing diversity within public administration, on the one hand, consists of "the implementation of a human resources management policy intended to offer employment and career opportunities to all citizens matching their skills and aspirations, on a basis of equal opportunity and treatment for all workers in a context where all forms of discrimination are outlawed"²⁴ and, on the other hand, the establishment of principles, policies, mechanisms and tools guaranteeing an open and inclusive public sector receptive to its environment. However, managing and sustaining diversity in no way means excessively promoting or encouraging it,

²² O.P. Dwivedi, "Les défis de la diversité culturelle pour la bonne gouvernance", United Nations Expert Group Meeting on Managing Diversity in the Civil Service, New York (May 2001).

²³ Frederickson H.G., *The Spirit of Public Administration* (San Francisco, Jossey-Bass, 1997).

²⁴ Belgium, "Diversité et ressources humaines" (see footnote p. 17), R. Roosevelt Thomas, founder of the American Institute for Managing Diversity in 1984, "From Affirmative Action to Affirming Diversity", *Harvard Business Review*, vol. 68 (No. 2) (1990), p. 107-117; Harvey C. and Allard M. J., *Understanding Diversity. Readings, Cases and Exercises* (New York, Harper Collins College Publishers), p. 40.

at the risk of jeopardizing national unity and community cohesion, or fostering disintegration and fragmentation.²⁵

36. As an essential feature in the life of any organization and one inseparable from the challenge of growth, the management of diversity has emerged as a strategic enabler and an avenue for progress that responds to multiple demands, related to a desire for positive organizational, governance and management changes. These demands include:

(a) Compliance with international commitments, the rule of law and legality, thereby avoiding a loss of reputation;

(b) The consolidation of responsive, transparent and inclusive public institutions, and the strengthening of good, participatory and democratic governance at all levels, including in terms of decision-making, in accordance with General Assembly resolution 69/327 "Promoting inclusive and accountable public services for sustainable development", in particular paragraphs 12 and 13;

(c) The commitment to being a socially responsible organization, endorsing the corporate social responsibility²⁶ approach, by building a positive, humane and ethical image within its workings and in its relationship with the environment;

(d) Public service modernization and the optimization of human resources management by developing management practices focused on individuals and their potential, expertise and talents, while ensuring that their sociocultural diversity and heterogeneity do not become an obstacle, but rather an asset for mutual enrichment, a reservoir of collective knowledge and a competitive advantage for growth;

(e) Improved performance within public administration through a diversified team, which helps to better understand the expectations of its different types of clients, to penetrate new markets, to develop the capacity for innovation, to better adapt to change, to enhance the efficiency and effectiveness of public service tasks, to improve the quality of public service delivery, to manage conflicts and risks, and to ensure resilience;²⁷

(f) The improved image and perception of public administration, including in communicating how it delivers public services.

37. How can integrating diversity contribute towards establishing this kind of a symbiosis between respect for human rights, sustainable development, good governance at all levels, peace and social cohesion?

²⁵ Gerard Timsit, "La gestion de la diversité" (see footnote p. 17).

²⁶ See ISO 26000 standard, adopted in 2010, and the European Commission standard, adopted in 2011; available at the following addresses: www.developpement-durable.gouv.fr; www.international.gc.ca.

²⁷ Maria Giuseppina Bruna and Mathieu Chauvet, "La diversité. Levier de performance" (see footnote p. 2) "Diversité, un enjeu de performance dans le secteur public", *Perspectives — Gestion publique* (Institut de la gestion publique et du développement économique, no. 22, February 2007).

V. The existence of ideal types and good practices around the world

38. While the management of diversity is often central to the political and ethical agendas of representative bureaucracies, it is sometimes regarded as a luxury, especially in countries whose civil service is still in its infancy and in poor countries or countries in situations of conflict. In other countries, managing diversity is a tangible commitment to promote processes for the recognition and participation of various actors in creating a more harmonious coexistence and in attempting to combat exclusion related to any differences. Hence, a variety of models and good practices around the world can serve as ideal types, taking into account the context and specificities of each country.

A. Anglo-Saxon models

39. In the context of the United States of America, where the concept is now formalized both in law and in judicial practice, diversity has become a genuine institution to be taken into account, and refers to "a vision of the world where everyone has the same rights and, in particular, enjoys the same freedom, and where all discrimination has been abolished. It alludes to the notion of various communities being represented in organizations and institutions"²⁸ and seeks to recalibrate for populations or communities suffering from cultural, social or legal discrimination. However, it should be borne in mind that this is a "nation of several peoples"²⁹ which, since its origins, has traditionally welcomed peoples of diverse origins, with their own languages and cultures, and which, moreover, is a federal State with several levels of sovereignty. Furthermore, it has taken a series of historic developments and the vision of a nation under construction to arrive at the stage where differences are recognized and valued; however, the successful completion of that task remains remote (as demonstrated by the many incidents of opposition between the police forces and the black community in several states). There has been a shift in ideology from the melting pot that suppresses differences to speech about assimilation, and then from the theory of cultural pluralism to that of diversity.³⁰

40. At the institutional and legal levels, the issue of diversity has seen two key periods. In the 1960s, the equal employment opportunities institution, a set of laws that made discrimination illegal at different levels, the most important being the Civil Rights Act adopted in 1964; and affirmative action or positive discrimination, a sort of catch-up policy among unequal groups involving preferential treatment and compensation.³¹ A powerful tool, positive discrimination has helped to diversify companies and is credited with turning the United States into the country with the most women managers in the world. However, it remains true that this practice, positive or benevolent in nature and an exception to be tolerated and applied temporarily in principle, is itself discrimination that runs counter to the principle of

²⁸ Aurore Haas and Sakura Shimada, "(Re)définir la diversité" (see footnote p. 2).

²⁹ Les États-Unis, modèle multiculturel?, interview with Denis Lacorne (see footnote p. 18).

³⁰ Ibid.

³¹ Gwénaële Calvès, "Qu'est-ce qu'une politique de discrimination positive? Que peut-on en attendre?", *Alternatives Économiques*, January 2005; Amanda de Montal, "Étude de Benchmark sur la diversité aux USA", Association française de management de la diversité, available at the following address: www.afdm.fr.

equality before the law. It was challenged in the 1980s, leading to several disputes and protests.³²

41. In the 1990s, as a supplement and counter-proposal to positive discrimination, the concept of diversity emerged as a process providing a diversified collective with two main opportunities to find means of expression: on the one hand, marketing and a user or customer-oriented approach that seeks to listen to, get closer to and meet the needs of an increasingly culturally diverse population; and, on the other hand, equality by means of a liberal and individualistic ideology based on respect for differences but, above all, on a meritocracy and the recognition of one's abilities alone.

42. For other English-speaking countries, such as Australia, Canada and the United Kingdom of Great Britain and Northern Ireland, it is rather the concept of multiculturalism that prevails and is the official means of addressing and managing differences; these are recognized and valued, and maintaining and celebrating them is encouraged. The same is true for immigration, which is considered to make a significant demographic, economic and cultural contribution³³ and for the integration of diversity within the public service. One example is the action plan drawn up by the Government of the United Kingdom in 2004, aimed at increasing the number of target groups at different levels of the administration and instructing all ministries and agencies to name their diversity champions. The latter form a network that optimizes, shares and pools good practices, provides mutual assistance to remain at the cutting edge of initiatives and helps foster cultural and behavioural changes that promote diversity within organizations.³⁴

B. European models

43. There are two types of discrimination under European non-discrimination law: direct discrimination, which occurs where one person is treated less favourably than another is, has been or would be treated in a comparable situation on grounds of racial or ethnic origin and the difference in treatment results from the fact that the person holds a particular characteristic which falls under a protected ground, and indirect discrimination, which occurs where an apparently neutral provision, criterion or practice would put persons of a racial or ethnic origin at a particular disadvantage compared with other persons.

44. On that basis, it is possible to distinguish at least three primary models for dealing with diversity within the European public service, which are all deeply democratic and based on a conception of a society as a complex entity, the management of which is an instrument in the service of all, whether the administration uses that instrument to preserve the unity of society, accepts the heterogeneity of society, or refrains from any intervention that could seem to favour

³² See application of this practice within Europe, Marc de Vos, *Beyond formal equality: through affirmative action under Council Directives 2000/43/EC and 2000/78/EC* (Luxembourg, Official Publications Office of the European Communities, 2008).

³³ Belgium, "Diversity and human resources" (see footnote p. 17).

³⁴ United Kingdom of Great Britain and Northern Ireland, National Audit Office, *Equality, Diversity and Inclusion in the Civil Service*, 2015, available at the following address: www.nao.org.uk.

one or another of the groups that comprise it.³⁵ Which model each European country chooses to follow is largely dependent on its culture and the types of diversity to be managed.

1. Non-differentiation model

45. This model is based on the principle of the oneness of society, and a consequent refusal to recognize diversity within it. This is the case in France where, as a result of the country's political tradition and the idea of a nation that is one and indivisible,³⁶ concerns about differences fall within the context of efforts to achieve equality, combat discrimination and bring about integration. French history tells us that in the name of the equality of all citizens before the law, no difference between individuals will be taken into account except competence. This is clearly the case in the public service, where the underlying principles are the indivisibility of the Republic, national sovereignty and equality before the law.³⁷ While French diversity policies include initiatives such as the Diversity Label (2008) and positive and compensatory discrimination measures, the obsession with oneness remains significant, as discrimination is recognized but community identities are not.³⁸

2. Differentiation model

46. In countries with a dominant liberal culture, such as those of Northern Europe, the heterogeneity of the groups that make up society is taken into account through generalized differentiation models and varied treatment of those groups depending on their position and specific status within the broader society. Countries such as Sweden and Denmark have incorporated diversity through a multitude of initiatives and good practices relating to diversity in terms of territory, interests and persons.³⁹

3. Separation model

47. This model, which reflects an entirely different logic, involves a separation between groups and the State. In principle, the State does not have any involvement in the management of the groups but simply ensures respect for their autonomy and operational freedom. This is the case with the principle of secularism, the complete disassociation of religious affiliation and citizenship. The principle, which is nearly synonymous with pluralism, is seen as means of managing religious diversity and has been adopted by almost all European countries.⁴⁰ However, there is little evidence of its implementation in the public sector, in the face of the question of how to reconcile freedom of conscience, pluralism of thought, indifference, unobtrusiveness and the desire to manifest one's religion, which is a commitment

³⁵ According to the classification by Gérard Timsit (see footnote, p. 17).

³⁶ Declaration of the Rights of Man of 1789; French Constitution of 4 October 1958, article 1.

³⁷ Aurore Haas and Sakura Shimada, "(Re)définir la diversité : de la représentativité à la gestion de l'altérité" (see footnote p. 2).

³⁸ In its decision No. 91-290 of 9 May 1991 on the Act on the statute of the territorial community of Corsica, the Constitutional Council refuses to recognize a Corsican people distinct from the French people. It argues that there is only one people, the French people, although there may be particularities within it. See also "Les États-Unis, modèle multiculturel?", interview with Denis Lacorne (see footnote p. 18); Gérard Timsit, "La gestion de la diversité" (see footnote p. 17); Diversity Charter (2004), available at the following address: <http://www.charte-diversite.com>.

³⁹ Belgium, "Diversité et ressources humaines" (see footnote p. 17).

⁴⁰ Gérard Timsit, "La gestion de la diversité" (see footnote p. 17).

and an integral element of identity. Various sections of central and regional public administrations are struggling with issues and constraints related to that question, in addition to the risk of their being manipulated to undermine mutual respect, peace, conviviality and social cohesion.⁴¹

C. Mixed Arab-African model

48. First and foremost, it should be noted that African society is very diverse in every respect and at all levels. The fact that the social balance is built on such characteristics, at least in traditional African society, fosters a certain harmony and tolerance that are only undermined or disrupted when diversity itself is undermined or when discrimination takes on alarming proportions. That was common practice during the colonial period and but has also frequently occurred since, in particular in the form of leaders attempting to impose, unilaterally or by force, discriminatory practices favouring persons of their own ethnic group, family, language, beliefs, religion or political views, resulting in the above-mentioned problems and negative impact or simply degenerating into conflict or genocide.⁴²

49. Morocco is one of the countries that has been able to manage diversity well. Morocco is a composite, pluralistic nation that has been influenced by a number of peoples, cultures and civilizations, and diversity was established as a principle in its 2011 Constitution. Morocco intentionally manages the differences that characterize every aspect of its society in such a way as to include all persons, interests and territories, as well as all actors, components of society and stakeholders, in "a modern State, having as its foundation the principles of participation, pluralism and good governance".⁴³

50. However, attempts to standardize or scale up diversity management or to rigidly transpose specific practices should be avoided, as they could end up being risky ventures fraught with obstacles that do not produce concrete results or effects.

VI. Towards a holistic, integrated, inclusive, progressive and sustainable vision and approach

51. There are three possible approaches to diversity management in the public sector, which may also be combined or develop through social change: a strategy that denies the existence of the problem; a reactive strategy for dealing with issues giving rise to sporadic tension or conflict, such as harassment or exclusion; and a truly forward-looking, proactive, open, inclusive, integrative and unifying strategy in line with the spirit and the letter of the people-centred, transformative 2030 Agenda for Sustainable Development.

52. A new way of thinking emerges once the focus is on changing the attitudes, climate and organizational culture at all levels, when the challenges and issues are seen as multidimensional and when diversity is considered to be a social phenomenon that must be dealt with in its entirety. This new way of understanding

⁴¹ La Ligue de l'enseignement, "La laïcité pour 'faire société'", 6 April 2012, available at the following address: www.laligue.org.

⁴² Mamosi Lelo, "La prise en compte de la diversité dans la fonction publique africaine".

⁴³ Preamble to the Moroccan Constitution.

and managing differences involves putting the issue of diversity at the heart of all organizational change, opting for holistic, systemic and progressive approaches, bringing together various areas and levels of action, responsibility and reform, all the while ensuring that the necessary resources are mobilized.

A. At the international level

53. Efforts must be made to ensure that the new Sustainable Development Agenda is shared, disseminated, promulgated, supported and promoted to the benefit of all actors and stakeholders, so that it does not continue to be the exclusive domain of a few central administrative systems. This should be done through programmes to inform, raise awareness and provide support, training and capacity-building, with a view to promoting the emergence of a culture of diversity and the sharing, recognition, and celebration of best practices.⁴⁴

B. Creation of a favourable and enabling environment for diversity integration at the national level

54. The creation of such an environment requires a solid institutional and legislative diversity integration framework at all levels; responsible, democratic, inclusive and participatory governance; public policies; decision-making processes; effective structures and mechanisms to promote integration, coordination and coherence; investment in civic engagement; strong, competent and ethical leadership at every level; commitment and responsibility at the highest levels of hierarchies and management; the implementation of the necessary changes; quantitative and qualitative evaluations of the internal and external context and the perception of all sectors and characteristics; the establishment of reliable systems for dealing with data, statistics, indicators and data bases; the development of specific strategies and action plans; the creation of dedicated entities;⁴⁵ a greater number of information, dialogue, consultation and negotiation platforms; normalization, standardization and recognition; monitoring, control and evaluation; accountability; internal and external communication plans; and guarantees to ensure the capitalization, sustainability and durability of all of those approaches and reforms.

C. Reforming, modernizing and increasing the value of public administration by incorporating diversity

55. It is high time in most States that the public sector ceases to be the poor relation, a charitable organization or an opportunity for unjust enrichment. That

⁴⁴ See United Nations Public Service Award winning projects since 2003; European Public Sector Award-winning projects; Neil E. Reichenberg, "Best Practices in Diversity Management", United Nations Expert Group Meeting on Managing Diversity in the Civil Service, New York (May 2001); Amanda de Montal, "Étude de benchmark sur la diversité aux USA" (see footnote p. 31); "Diversité et ressources humaines" (see footnote p. 17); Royal Bank of Canada, "Rapport sur la diversité et l'intégration".

⁴⁵ See the identification and comparative analysis of international experiences in the institutionalization of anti-discrimination action in National Human Rights Council and UN-Women, "Vers la mise en place de l'Autorité pour la parité" (see footnote p. 5).

change should be effected by putting an end to outdated models and making a firm commitment to thoroughly reform public administration, from its principles to its organization, structures, infrastructure, human resources, management, decision-making processes, relationship with its environment and methods of providing public services. When properly managed and integrated, diversity and action against all forms of discrimination can play an important part in positioning the sector as a true driver of change, development and performance, as highlighted in the 2015 World Public Sector Report.⁴⁶ For that to happen, the public sector must be able to draw strength from its human capital; from what its staff have in common and from what makes them unique.

56. To become galvanized, efficient and competitive, the public sector must provide its staff with a human, welcoming, convivial, appealing and motivating work environment, with leaders setting an example, providing motivation and instilling hope and trust. The work environment should free talent instead of stifling it and allow staff to perfect their skills, innovate and realize their full potential in order to enhance their value not only to the administration but, above all, to those they serve.

57. The public sector bears much of the responsibility for providing a healthy, profitable environment that functions well for all, for developing a sense of justice, equity and belonging, and for creating opportunities for society to flourish, grow, develop and progress. Many good practices exist in that regard, including the establishment of participatory societies, citizen accountability, innovative mechanisms such as co-creation and co-production, investment in information and communications technology in order to improve communication and the provision of public services, the reduction of the digital divide, digital inclusion, and ensuring normalization, standardization, etc. by giving priority to women, elderly persons, youth, persons with disabilities and other disadvantaged groups.

58. In conclusion, it should be borne in mind that diversity is just one aspect of a broader issue; what is most important is knowing how to make use of diversity as an advantage and an asset. There will be a lengthy commitment and a cost involved if we truly desire to improve the current reality by making diversity a strategic priority and a fundamental concern.

⁴⁶ United Nations Department of Economic and Social Affairs, *Responsive and Accountable Public Governance: 2015 World Public Sector Report*, pp. 35-36.